

1130 DELEGATION OF AUTHORITY

Program: General 26
PHS Act, Title XXI
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Authority Delegated

To exercise authorities contained in Title XXI [NOW UNDER TITLE II], PHS Act, as amended, insofar as these authorities apply to the functions of the National Institutes of Health. Specifically included are the following authorities in [PREVIOUSLY NUMBERED] sections 2101, Gifts (see [Program General No 5](#) and [No 5a](#)); 2106, Transportation of Remains of Officers (see Travel No. 8); 2107, Grants to Federal Institutions (see [Grants and Awards No. 1](#)); 2109, Availability of Appropriations (see [General Administration No. 23](#)); and 2112, Memorials and Other Acknowledgements (see [Program General No. 5B](#)).

To Whom Delegated	Area of Authority
As specified in the NIH delegations cited above.	As specified in the NIH delegations cited above.

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

Limitations

1. See specific delegations of authority cited above.
2. Exercise of the authorities under Title XXI of the PHS Act shall be in accordance with statute and established policies, procedures, guidelines and regulations of the Department and Public Health Service.
3. The Secretary has reserved the following authorities:
 - a. The authority under [PREVIOUSLY NUMBERED] section 2101 to accept gifts of real property subject to a reverter clause. Offers of property shall not be accepted if the total cost associated with acceptance are expected to exceed the cost of purchasing a similar

item and the cost of normal care and maintenance.

b. The authority in [PREVIOUSLY NUMBERED] section 2108 concerning the transfer of funds between appropriations.

c. The authority under section 2113 to determine the portions, but not more than one percent, of appropriations to be set aside for evaluation programs. This exclusion does not affect the authority to award grants and contracts for evaluation projects which have been approved by the Assistant Secretary for Planning and Evaluation.

d. The authority to promulgate regulations and submit reports to the Congress.

Redelegation

This authority may be redelegated as specified in the delegations of authority cited above.

Citations

1. 5 U.S.C. 302; 42 U.S.C. 203, 216 and 300aa et seq., P.L. 98-24
2. Memorandum to the Director, NIH, from the Assistant Secretary for Health, dated April 13, 1983, entitled: Delegation of Authority Under Title V of the Public Health Service Act. Memorandum from the Assistant Secretary for Health to PHS Agency Heads, dated July 6, 1983, entitled: Redesignation of Title V of the PHS Act to Title XXI [Title XXI was renumbered as Title XXVI; Title XXVI was renumbered as Title XXVII; Title XXVII was merged into Title II]
3. Secretary's Reorganization Order June 29, 1973 (38 FR 18261)
4. Redelegation of Authorities by the Assistant Secretary for Health, June 18, 1973 (38 FR 18261). [Continued by the Secretary, April 18, 1979 (44 FR 23132).]

/s/
James B. Wyngaarden, M.D.
Director, NIH

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